S.B.CRIMINAL MISC. BAIL APPLICATION NO.5463/2007
(Ritesh Sharma & Ors. vs. State of Rajasthan)

DATE OF ORDER : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.
Mr.R.S.Choudhary, for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel for the complainant. Perused the order impugned and the police investigation diary.

It is contended by learned counsel for the petitioners that the first informant and the petitioners have been levelling the allegations against each other regarding their character. It is further contended that so far as petitioners No.2 and 3, who are parent-in-law, are concerned, they have nothing to do with the dowry articles.

Learned Public Prosecutor opposes the bail application and contends that there are allegations against petitioner No.1 Ritesh Sharma, who is husband of the first informant and petitioner No.3 Smt. Pushpa Sharma, who is mother-in-law. The allegation against petitioner No.3 is that she used to confine the first informant in a room, used to abuse with filthy language and

assault frequently and made an attempt to administer the poison by mixing it with the meal in order to kill her. So far as petitioner No.1 is concerned, the dowry articles have been entrusted to him as stated by the first informant and other witnesses. There is allegation that petitioner No.1 used to demand the dowry and subject the first informant to cruelty and harassment.

In view of the evidence available on police investigation diary, in my view, it is not a fit case to grant anticipatory bail to petitioners No.1 and 3.

The bail application filed by petitioners No.1 Ritesh Sharma and No.3 Smt. Pushpa Sharma is dismissed.

However, having regard to the facts and circumstances of the case and the fact that there is no specific allegation against petitioner No.2 Ramapati Sharma, who is father-in-law of the first informant, I consider it just and proper to grant anticipatory bail to him.

Accordingly, the bail application filed by petitioner No.2 under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner No.2 Ramapati Sharma s/o Amir

Chand Sharma in FIR No.93/2007, Police Station, Mahila Thana, Distt. Udaipur, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-